

**CALENDAR ITEM  
C03**

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06/18/02  
W 25842  
B. Dugal

**RECREATIONAL PIER LEASE**

**APPLICANT:**

Gene Landen

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in Lake Tahoe, near South Lake Tahoe, El Dorado County.

**AUTHORIZED USE:**

Retention of two existing mooring buoys and the construction of a new pier.

**LEASE TERM:**

Ten years, beginning June 1, 2002.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance in the amount of no less than \$300,000.

Other:

This lease is conditioned on the Applicant obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjacent to the lease premises.
2. The Applicant has applied for a Recreational Pier Lease for the retention of two existing mooring buoys and the construction of a new pier.  
Applicant qualifies for a Recreational Pier Lease because he is a natural

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person who has improved the littoral lands with, and uses the uplands for, a single-family dwelling.

3. The proposed pier is located within suitable habitat of the endangered Tahoe Yellow Cress (TYC). The TYC is an endangered plant species statutorily protected by the California Endangered Species Act. A site inspection for the presence of TYC has been performed. TYC was not found at the proposed pier construction site.
4. **BUOYS:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

**PIER**

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**FURTHER APPROVALS REQUIRED:**

**Buoys** - Tahoe Regional Planning Agency

Revised 06/17/02

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**Pier -** United States Army Corps of Engineers

**EXHIBIT:**

A. Site and Location Map

**PERMIT STREAMLINING ACT DEADLINE:**

August 8, 2002

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**BUOYS**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

**PIER**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

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**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO GENE LANDEN OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING JUNE 1, 2002, FOR THE USE AND MAINTENANCE OF TWO EXISTING MOORING BUOYS AND THE CONSTRUCTION OF A NEW PIER ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.